IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1282 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/06/2004 in WP NO : 9364 OF 2002 on the file of the High Court.)

Between:

1 M/s. Lakshmi Kala Mandir, Alwal, R.R. District, rep by Managing Partner P. Kumar
2 M/s. Sri Raghavendra Theatres, 70mm & 35 mm Malkajgiri, Ranga Reddy District rep by Managing Partner N. Mallesh Yadav

..... APPELLANT(S)

AND

Film Division, Ministry of Information and Broadcasting, Government of India, rep. by Branch Manager, Sultan Bazar, Hyderbad

.....RESPONDENT

Counsel for the Appellants: MR.K.DURGA PRASAD

Counsel for the Respondent : MR.M.GANGA RAO

The Court made the following Oral Judgment: (per Sri Devinder Gupta,CJ)

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We have heard the learned counsel for the parties.

Appellant's writ petition was dismissed on the ground that licensing Authority had not been impleaded as party, therefore, no relief could be granted to the appellant. To that extent, we do not find any ground to interfere with the order passed by the learned single judge. However, the order passed by the learned single judge dismissing the writ petition imposing exemplary costs of Rs.5,000/- is questioned on the ground that a prayer was made to implead the licensing authority as party, which, the learned single judge thought was a necessary party. But, without allowing that prayer, the learned single judge dismissed the writ petition imposing exemplary costs.

Having considered this submission, we are of the view that the order imposing exemplary costs is too harsh in this case. There is no opportunity to the petitioner-appellant to rectify the defect. Even if necessary party was not impleaded,

at the most, single judge could have dismissed the writ petition without granting any relief to the petitioner, but ought not to have imposed exemplary costs.

The writ appeal is allowed in part and the order impugned in the writ appeal imposing exemplary costs is set aside. No costs.

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DEVINDER GUPTA, CJ

Date: 30th August, 2004

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C.V.RAMULU,J

Pnb

To

1. The Branch Manager, Film Division, Ministry of Information and Broadcasting, Government of India, Sultan Bazar, Hyderabad.

2. Two C.D. copies